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EXAMINER

PAN, YUWEN

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/748,168
Filing Date: December 31, 2003
Appellant(s): KIM ET AL.

MAILED

JUL 13 2007

Technology Center 2600

Peter A. McKenna
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 03/13/2007 appealing from the Office action mailed 07/10/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,675,015	MARTINI et al	1-2004
5,940,371	MITTS et al	8-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martini et al (US006675015B1) in view of Mitts et al (US005940371A).

Per claim 1, Martini discloses a short range wireless communication system, comprising: a host controller interface provided with a handoff buffer for buffering at least one of host controller interface data and transmission data, and for exchange said at least one of HCI data and transmission data with an external device, and forward information among nearby access points (see figure 1 and column 5 and lines 55-63). Martini doesn't teach that a microcontroller for forwarding to a new access point said at least one of HCI data and transmission data buffed in the handoff buffer if a message indicating setup completion of a connection with the external device is transmitted from the new AP after a handoff occurs an the external device moves, in a state where the new AP is interlinked with the external device. Mitts teaches that the unsent buffed information from the old base station is forwarded to the new base station after the new base station has completed the establishment with the external station or handover (see column 5 and lines 30-53). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Mitts with Martini's system such that there would be redundancy of transmission.

Same arguments apply, mutatis mutandis, to the independent claims 5, 9, and 13.

Pre claims 2, Mitts further teaches that the microcontroller deletes said at least one of HCI data and transmission data buffered in the handoff buffer if an acknowledge message for said at least one of the HCI data and the transmission data transmitted from the external device, is received (see column 8 and lines 3-25).

Same arguments apply, mutatis mutandis, to claims 6, 10 and 14.

Per claim 3, Mitts further teaches that the microcontroller maintains said at least one of HCI data and transmission data buffered in the handoff buffer if an acknowledge message for said at least one of the HCI data and the transmission data transmitted from the external device, is not received (see column 7 and lines 46-67).

Same arguments apply, mutatis mutandis, to claims 7, 11 and 15.

Per claim 4, Mitts further teaches that if the microcontroller newly linked with a another external device receives said at least one of HCI data and the transmission data from a different AP, the microcontroller transmits said at least one of HCI data and the transmission data to the another external device immediately.

Same arguments apply, mutatis mutandis, to claims 8, 12 and 16.

(10) Response to Argument

The appellant argues that prior art of record does not teach the limitation “if a message indicating setup completion of a connection with the external device is transmitted from the new

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AP after a handoff occurs”. The examiner respectfully disagrees. The prior art of record, Mitts reference clearly teaches that “[a]s a response...to the signaling data on the handover that indicate the new base station 40, old base station transmits to new base station 50 the cells(remind buffer information in the old base station) that were in the FIFO buffer, in the manner presented in FIG. 5(emphasis added)” (see column 8 and lines 25-30). “The signal data” equates to a message that indicate a completion of connection between the new base station and a mobile station in which is migrating from the old base station to the new base station.

Furthermore, in the background invention of Mitts reference teaches the message (item 27, figure 2) for completion of connection between the new base station (BSq, fig 2) and the mobile station (MU, figure 2) is sent to the old base station via (item 29 fig 2) (see column 2 and lines 27-62).

Also, it is logically not to transmit the reminding buffer information in the old base station until the complete establishment between the new base station and the mobile station.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

July 5, 2007

Conferees:

Matthew Anderson
SPE of 2618

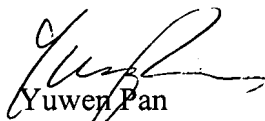


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